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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/922,699 | 08/07/2001 | Chika Kayaba | 1619.1012 | 8779 |
| 21171 | 7590 | 07/13/2004 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | HIRL, JOSEPH P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2121 | |

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

| | | |
|--------------------------------------|--------------------------------------|--|
| Application No. 09/922,699 | Applicant(s) KAYABA ET AL. | |
| Examiner Joseph P. Hirl | Art Unit 2121 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____


- 3. Applicant's reply has overcome the following rejection(s): _____.
- 4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
- 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: _____

- 8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
- 9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 10. Other: _____

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Anthony Knight
Supervisory Patent Examiner
Group 3600

Continuation of 5. does NOT place the application in condition for allowance because: the arguments have been fully reviewed but are not persuasive.

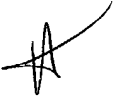
1. Changing the statement on page one of the specification, line 30 from "impossible" to "possibly unreliable" does not remove the level of difficulty in accurately determining the customer's presumed psychological state. Clearly on page one of the specification at lines 30-33, the Applicant states in the second portion of a compound sentence, "... and it is impossible to understand the customer's presumed psychological state such as his or her unpleasant or other feelings which result from the communication over the phone." Perfit recognizes this difficulty and includes an analysis. Perfit's determination of fraud includes "assigning to the human analyst a one of the plurality of suspect subscribers having a highest priority" from an investigation queue related to fraud (c 2, l 17-47).

2. "Psyche parameter" is not contained in the disclosure. If "... any 'state condition of the call from the telephone terminal' in the CTI server can be used to generate a parameter based thereon." can be used, the aspect of novelty is missing and the situation is immediately obvious. In other words, the Applicant has not taught or anticipated something new to the current state of the art.

3. Perfit teaches "...a system for detecting telecommunications fraud according to the principles of the invention includes: means for receiving one or more events relating to a scribe ..." (Perfit, c 2, l 63-67) which would include related phone operating data that by the applications definition of state does include a state and related parameters "any state condition" can be used... whatever .

4. All independent claims must be independent and not rely on other independent and/or independent claims.

5. Relating to claims 5 and 6, for sure Perfit develops parameters related to incoming calls and analyzes them related to fraud (Perfit, c 2, 63-67; c3, l -2.



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